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Spring 2001

MCDHH NEWS

A Publication of the Massachusetts Commission for the Deaf and Hard of Hearing

MCDHH - Your State Agency

by Jonathan O'Dell, Director of Communication Access, Technology & Training Services

One of the many fundamental issues MCDHH, as a human service provider, has struggled with is the question of how to involve the hard of hearing and late deafened citizens of the Commonwealth in our endeavors. These populations, absent the cohesive cultural and social network of "The Deaf Community", are largely invisible because their individual components are isolated from one another, most of us functioning in a "hearing" world surrounded by "hearing" people. Things are further complicated by the regrettable fact that hearing loss is viewed predominantly as a normal by-product of aging rather than as a condition that causes millions of Americans significant economic and emotional hardships.

You've probably noticed that we've run two surveys in the last two issues of the newsletter. The reason for this is straightforward: we, at MCDHH need to hear from you, our constituency, about what is important to you in order to determine which issues we should be addressing, and how to prioritize them.

As someone who lost his hearing relatively early in life and who depends on a combination of speech-reading, amplification and – in complex situations – CART services and other forms of visual representations of spoken English, I know what issues I am confronted with, and what my "wish list" for a perfect world is. It would be a world in which anything from automobiles to household appliances to telecommunication devices were made accessible to all persons with hearing loss in the design phase, not as an aftermarket "fix" that usually leaves a great deal to be desired. I'd wish for a world in which people without hearing loss didn't have all those preconceived notions about the abilities (or, more commonly, perceived dis-abilities) of those who do, and for a world in which people with hearing loss were as open about their communication issues and needs as they presumably are about saying "I'm hungry" when their stomachs growl.

Does your wish list mirror mine? Probably it does, in some ways, and probably it doesn't, in others. This is only to be expected given that every single one of us is unique and that we consequently have different issues and different priorities. For any one person with a hearing loss to assume that what he or she wants is also wanted by the rest of us is simply misguided, which is why we need to hear from you.

This is your newsletter, and MCDHH is your agency. That is why we will ask you for your input before we embark on any new initiatives or try to advocate for new or expanded services; we hope that you will share your thoughts with us at those times and throughout the rest of the year to let us know what is happening in your communities. We have made it as easy as possible to access us by mail, phone, TTY, Fax, e-mail and Internet. We are also happy to provide guided tours of the agency at request.

Hard of hearing and late deafened people need to pull together to overcome their isolation from one another and form a community based on shared goals, effective communication, and the simple willingness to do whatever it takes so that we do not remain unheard. ■

Case Management Director Hired

by James O'Donnell, Deputy Commissioner

Commissioner BJ Wood is pleased to announce that Marilyn Levin has been hired as the new Director of the Department of Case Management and Social Services. Ms. Levin has extensive experience in managing programs serving the needs of people who are Deaf and hard of hearing, particularly in the mental health field. She is currently Executive Director of the Rhode Island Commission for the Deaf and Hard of Hearing. Ms. Levin, who is fluent in ASL, has a deep interest in issues affecting the Deaf and hard of hearing. It is expected she will join MCDHH staff in the middle of April. We welcome her as a new member of our team. ■

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Commissioner's Corner

by Barbara Jean Wood, MCDHH Commissioner

Spring is around the corner - a time when we finally can enjoy the outdoors after spending much of the winter indoors. Spring is not only heralded by flowers and sunshine, but also by a renewed bustle of legislative activity. Soon, our legislators will determine the fiscal budget for FY 2002 (July 2001 - June 2002). MCDHH will continue to advocate for expansion of needed services, but we also need to protect the services we currently provide:

- Case Management and Social Services
- Communication Access, Training and Technology Services
- Interpreter and CART Services

New information and new resources trigger adaptation and change.

Based on the changes that we see, the new services to advocate for are:

- MCDHH - Expansion of Case Management and Social Services to address needs of the elderly population and the Berkshire area communities
- Expansion of Interpreter and CART to fill 9,000 unfilled request
- Board of Higher Education to set up more interpreter and CART training at community colleges statewide
- Telecommunication services to provide enhanced video relay interpreter service
- Assistive Technology money for consumers who are experiencing financial difficulties to purchase technology that will enable them to be independent in their job

In keeping with the perennial renewal associated with this time of year, we too must renew our effort to find additional forms of funding to ensure achieve full delivery throughout our communities. ■



Do you have a question?

by Ray Reed, Information Specialist

A major goal of the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) is to provide current information on hearing loss and related issues to the citizens of the Commonwealth. This task is handled by the Department of Communication Access, Training and Technology Services (CATTS). The CATTS Department processes over 2,000 requests for information, and sends out over 14,000 pieces of information annually on topics as varied as cochlear implants, hearing aid technology, assistive listening devices, laws and regulations, and much more. It is our goal to provide accurate and up to date information on virtually any topic related to deafness or hearing loss, and to respond to everyone in a timely, professional manner. In most cases, information is sent out within two days of receiving the initial request.

Hearing loss affects approximately 9 percent of the population. This means over 500,000 Massachusetts residents have some degree of hearing loss. Many of these individuals struggle through years of frustration before seeking help.

It doesn't need to be this way. If you have a question regarding deafness or hearing loss contact MCDHH. The service is free and the information is priceless! ■

News from the IRS...

by Stephanie Clark, Director, IRS

Our Interpreter and CART Referral Service is now partially operated under our new computerized database. How does this affect the community? In many ways it benefits everyone as we are distributing Consumer Profile forms to be filled out by those using the referral services. Information on language preferences such as ASL, Oral Transliteration, Signed English, DeafBlind tactile or close vision, and others will be entered into our referral database. When we receive a request with the consumer(s) names – their profile will automatically appear on our screen outlining their language preferences which assists in finding an appropriate match from the Interpreters and CART Providers listing.

The Consumer profile form also allows you to document an advocate's name; often times Independent Living staff will attend meetings, medical appointments, and legal settings as an advocate. The data would allow us to inform Interpreters and CART Providers that an advocate would be present: this is helpful as advocates are part of the team. Interpreters and CART Providers that you like will also be entered into our database – this allows the Referral Specialists to contact your preferred Interpreters and CART Providers first, making the system more efficient. Contact Colin Paget at Colin.Paget@state.ma.us or (617)-695-7500 Voice or (617)-695-7600 TTY for a copy of the profile to be sent to you.

Scott LeSaffre has been promoted to Lead Referral Specialist, he will oversee the training on the computer referral program with current and new Referral Specialists as well as recommend enhancements to Karen Higgins, the new Referral Services Supervisor.

We now have 214 Translitterators and Interpreters on our Statewide Contract (SCA) and 7 CART Providers who are accepting work through our referral services as freelancers. If you want to see the list of Interpreters and CART Providers with their certification backgrounds, contact Colin Paget. The list is available for the public's use.

We look forward to a great year in 2001 and are excited with all the positive changes happening in our Department! ■

Regulation and Legislative Update: April 2001

by Jeannine Dusombre, Legal Counsel to the Commissioner

Here is a brief list of some legislation the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) is following for this legislation session. Many of the bills have not been scheduled for public hearings at this time. The bills currently assigned to the House Committee on Education are not scheduled for a hearing until the end of April. Public Hearings for the Special Education bills such as H. 2137 and H. 2138 will take place toward the end of May.

2001-2002 House & Senate Bills of Interest and Support to the MCDHH

<i>Bill Number & Name</i>	<i>Sponsor</i>	<i>Bill Assigned to:</i>	<i>MCDHH's Comment on Bills</i>
<u>Senate 105</u> An Act Requiring the Posting of Signs Warning of the Danger of Exposure to Amplified Sound in Health Clubs	Senator Morrisey	Commerce & Labor Committee	The bill mandates posting of warning signs to the possible danger to hearing loss due to loud noises in a health club, and sets fines for violation.
<u>S. 686</u> An Act to Support Citizens with Disabilities and their Families.	Senator Montigny	<u>Human Services and Elderly Affairs</u> Committee Public Hearing on April 10, 2001	The goal of the bill mandates that all EOHHS agencies provide flexible supports for disabled family members; maintain family unity; prevent out of home placement; reunite families; enhanced parenting skills; and maximize the potential of persons with disabilities.
<u>H. 3118</u> (Same title as above)	Rep. Flavin		
<u>S. 735</u> An Act Providing Coverage for Hearing Aids	Senator Brewer	Senate Committee on Insurance	Provides insurance coverage for cost of two hearing aids every three years.
<u>S. 759</u> An Act to Require Reimbursement for the Costs of Providing Competent Interpreter Services	Senator Moore	Insurance Committee	The bill provides that health insurance, including Medicaid, will reimburse for the costs of Interpreter Services.
<u>H. 833</u> An Act to Ensure the Provision of Communications Access for the Deaf in Health Care Situations	Rep. Jay R. Kaufman	Insurance Committee	The bill calls for Health Insurance Coverage to pay for Interpreters and CART Services to ensure effective communication in health care situations for Deaf and Hard of Hearing patients.
<u>H. 2137</u> An Act Relative to the Certification of Teachers and Educational Interpreters for Deaf and Hard of Hearing Students	Rep. Jehlen	Education, Arts, and Humanities Committee	MCDHH has long advocated for Educational Interpreters to be tested for proficiency before interpreting in an educational setting. This bill requires all Educational Interpreters to be tested for proficiency by MCDHH before working as educational interpreters.
<u>H. 2138</u> An Act Establishing a Bill of Rights for Children Who are Deaf and Hard of Hearing	Rep. Jehlen, and others	Education, Arts, and Humanities Committee	The bill establishes a "Bill of Rights" for DHH children in educational settings, including appropriate educational screening, early intervention, placement, technology, communication mode, qualified educational interpreters, role models, and other appropriate educational and support needs.
<u>H. 2160</u> An Act Providing for the Registration Of Interpreters for the Deaf and Hard of Hearing	Rep. Jehlen	Government Regulations Committee 3/12/01 Bill send to Committee on Health Care	The bill sets up a board of registration for interpreters for the Deaf and hard of hearing. The board will establish standards for registration, ethical standards, qualifications of applicants, review and investigate complaints, and set and administer penalties for deceptive and professional incompetent practices.

Continued on page 8

The ADA Mediation Project

by Sally Higginbotham, Project Coordinator, Mediation & Facilitation

The ADA Mediation Project offers dispute resolution services specifically for disability-related conflicts. *Our program is available at no cost to participants.* We mediate in ADA Title II and Title III claims, and in family, housing, and neighbor disputes when at least one of the principle parties has an ADA-qualified disability. People on either side of the conflict may contact us. We have mediated in reasonable accommodation disputes between consumers and the public and private sectors since 1993.

The strength of mediation is in the opportunity for face-to-face communication and mutual problem solving. Assisted by trained neutral mediators, the people with the dispute sit down together in a private setting to talk through the problem. They have the opportunity to speak fully and candidly to each other, to both educate and learn from the other, and to resolve the issues together. In a dispute between a person with a disability and a non-disabled person, reaching a better, more complete understanding of each other can be particularly important and satisfying. Mediation is a voluntary, confidential process. The mediators help participants to identify the issues and their options, and make practical, informed decisions to resolve things; they do not impose solutions or tell people what to do. Participants retain all the decision-making power.

MCDHH and the ADA Mediation Project are educating one other about our respective programs and clients. This past fall, MCDHH case managers attended a two-hour presentation on the ADA Project. In March and April 2001, ADA Project mediators will receive training from Jonathan O'Dell, director of CATTs, and his staff in working with culturally deaf, late deafened, and hard of hearing clients. This is part of on-going capacity development that the Project sponsors for its panel of neutrals. Our mediators, all of whom are volunteers, have trained in the ADA and typically have many years of mediation experience. By day, they work as attorneys, dispute resolution professionals, consultants, and human service professionals.

The ADA Mediation Project is funded by the Massachusetts Bar Foundation, the Boston Bar Foundation, and the Haymarket People's fund. It is a project of the Massachusetts Association of Mediation Programs and Practitioners.

If and when you or someone you know has a Title II or Title III complaint or a problem involving family, housing, or neighbors when mediation might be useful, give the ADA Mediation Project a call. Our services are free to all participants. Contact Sally Higginbotham at (617) 661-0806 or (617) 451-2093 for information. ■

SHHH: New Executive Director is from New England

by Carole Rossick, Hard of Hearing Outreach Specialist

Elizabeth J. Wilson, Ph.D., of Riverside, Rhode Island, has been named executive director of Self Help for Hard of Hearing People (SHHH), the nation's largest organization for people with hearing loss. Beth Wilson has a hearing loss and is a senior principal engineer for Raytheon Company, where she has worked for the past 18 years. She graduated from University of Rhode Island (Ph.D) and Brown University (MA) in electrical engineering. A published author recognized in her field, Beth's technical skills and experience in fiscal and personnel management as well as program development will be a terrific asset to SHHH. Beth's personal involvement in SHHH in Rhode Island includes serving as the president of the SHHH Sargent Chapter, the SHHH Rhode Island State Coordinator, and chair of the Rhode Island Commission on the Deaf and Hard of Hearing. The Rhode Island Association of the Deaf honored her with the Golden Hand Award in 1990. She also received the Spirit of SHHH Award in June 2000 at the 15th International SHHH Convention in St. Paul, Minnesota. MCDHH congratulates Beth on her appointment, and looks forward to working with her in the future. Come to this year's SHHH national convention June 22nd - 25th to meet her in Cherry Hill NJ. ■

MassRelay Survey

by Carole Rossick, Hard of Hearing Outreach Specialist

MassRelay is preparing a brief Satisfaction Survey to be completed this spring. The survey will enable past and present users, including the people and businesses that use MassRelay to stay in touch with you, to provide feedback about aspects of their experience with the relayed call process. MCDHH serves on the Relay Advisory Board, which drafted the scope of questions for consideration. An outside firm experienced in preparation and analysis will conduct the final survey and tabulate the responses. You are eligible to participate in this survey if you have ever experienced placing a telephone call through this relay service, or receiving a telephone call that was handled by MassRelay.

If you wish to participate in this survey, please contact: MassRelay Outreach

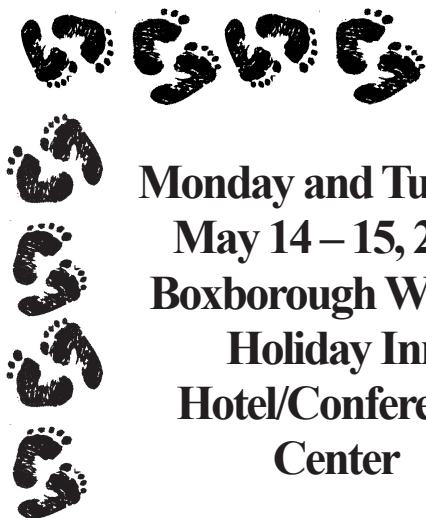
220 Main Street, Malden, MA 02148

<http://www.massrelay.org>

800-439-0415 TTY, 781-388-2435 Fax Outreach@massrelay.org ■

Footnote: MassRelay is the Telecommunications Relay Service (TRS) currently operated by Vista IT, Inc. TRS enables communication between people who are able to use a traditional telephone and those who cannot due to limited mobility, or impaired speech or hearing loss. There is no added charge for using TRS. Within Massachusetts, just dial 1 and then 711 to reach MassRelay.

MassRelay
Massachusetts Relay Service



**Monday and Tuesday
May 14 – 15, 2001
Boxborough Woods/
Holiday Inn
Hotel/Conference
Center**

*The implementation of **Newborn Hearing Screening** is well underway throughout New England, with mandates already passed in some states, and legislation pending in others. This conference will bring together constituencies who have a major “stake” in optimizing the promise of early identification of Deaf and Hard of Hearing infants. A combination of plenary presentations, skills workshops, and breakout sessions will address recent technological advances, programs, practices, policies, and products related to effective intervention with Deaf and Hard of Hearing infants.*



**Boston Center for Deaf and
Hard of Hearing Children,
Children’s Hospital
and**

**Gallaudet University Regional Center
at Northern Essex Community College**



are pleased to announce a

New England Regional Consortium

“Next Steps...”



**in Providing Effective Early Intervention
with Deaf and Hard of Hearing Infants”**

Keynote Presentations

Ron Caldarone,
President of URRI Consultation Services,
Former Chief of Special Needs for the
Rhode Island Department of Public Health



Rachel I. Mayberry, PhD
Director of the School of Communication
Science and Disorders at McGill University

Also Presenting

Fernandes, PhD
Provost
Gallaudet University, Washington, DC

Jane K.

Applications pending for awarding up to 12
contact hours of Continuing Education credits
for:

Educators	Nurses
Physicians	Audiologists
Psychologists	Social Workers
Speech Language Pathologists	
Early Intervention Providers	

For registration/information, contact:
BCDC at 617-355-4539 v
617-355-6603 tty



or



GURC via E-mail:
gurc@necc.mass.edu

Survey Results: Survey of Services (Fall Issue 2000)

By James O'Donnell, Deputy Commissioner, Policy & Programs

Last fall, we presented a survey for people who are hard of hearing or late deafened. The survey was designed to find out which technologies and services are wanted and also how available or unavailable it is.

251 people responded to our survey. Out of thirteen types of services or funding for technology, the most important were (in order of ranking):

1. Funding for Hearing Aid purchase
2. Auditory and Communication Assessment Evaluation following hearing loss
3. Local resources on hearing loss: ENT's, audiologists, hearing aid specialists
4. Hearing Aid Orientation: acclimatization, expectations, troubleshooting

The least important categories were:

1. Support Groups
2. Communication Training - speech reading and/or auditory comprehension
3. Assertiveness Training and Coping Skills
4. Emergency support services following traumatic hearing loss

The purchase, use and adaptation to hearing aids was the top issue for these populations. This is consistent with the calls we get from clients who participate in our assistive technology program in the Case Management department. MCDHH will continue support for this program and assistive technology for this population. ■

	Rank					
	1	2	3	4	5	None
Auditory and Communication Assessment Evaluation following hearing	133	17	16	7	15	63
Funding for Hearing Aid purchase	164	9	15	5	17	41
Hearing Aid Orientation: acclimatization, expectations, troubleshooting	113	29	28	13	17	51
Training of family members on hearing loss issues, including improved communication skills	59	29	42	20	42	59
Communication Training - speech reading and/or auditory comprehension	43	34	36	17	49	72
Assertiveness Training and Coping Skills	53	21	40	15	47	75
Demonstration and training in use of Assistive Technology	71	27	24	22	33	74
Funding of Assistive Technology	91	21	22	13	29	75
Emergency support services following traumatic hearing loss	54	20	19	15	48	95
Education on hearing loss, including courses, literature, and videotapes	59	37	43	16	30	66
Local resources on hearing loss: ENT's, audiologists, hearing aid specialists	123	31	17	8	12	60
Support Groups - ALDA, SHHH, Minuteman Implant Club	35	23	33	16	43	101
MCDHH staff or services in your area	78	28	36	9	16	84
Averages:	83	25	29	14	31	70.5

MARK YOUR CALENDAR...

MAY 5, 2001

In celebration of 21 years of reaching out to people of all ages with hearing loss, Self Help for Hard of Hearing People, the nation's largest consumer organization for people who are hard of hearing, is setting out to encourage people nationwide to have their hearing screened. For more information, check www.shhh.org.



ADVERTISEMENT SECTION

If you or your organization would like to advertise in this spot, please contact us at MCDHH.OFFICE@state.ma.us Attn: Advertising by June 1, 2000

AUGUST 4, 2001

Deaf Awareness Day coordinated by State-wide Deaf Awareness Week Planning Committee including a representative from MCDHH, Ruth Moore, will be held at Six Flags New England on Saturday, August 4th. More information about the event will be printed in the next issue.



SHHH's 16th ANNUAL CONVENTION

By Richard Herring, Publicity Committee - NJ

SHHH's 16th Annual International Convention features wide range of workshops and exhibits on Hearing Loss issues.

"Freedom to Hear" is the theme of the 16th Annual International Convention sponsored by the nation's largest consumer organization for people with hearing loss, Self Help for Hard of Hearing People, Inc. (SHHH). Scheduled for June 22-25, 2001, the convention will be held at the Hilton at Cherry Hill in Cherry Hill, New Jersey. Over 45 workshops will offer valuable information on hearing aids, assistive technology, coping, family issues, employment, and advocacy, and an Exhibit Hall will display the latest technological advances in hearing aids, assistive devices, and telephones. Attendees will also have the opportunity to add on other exciting options such as a tour of Philadelphia, an award-winning captioned theatrical performance, and a post-convention golf outing or trip to nearby Atlantic City.

Assistive listening devices and realtime captioning will be provided at all presentations and sign language interpreting will be available at the Exhibit Hall (on request), the Opening Session, the Business Meeting, the Research Symposium (on the Role of the Brain in Hearing), the Awards Ceremony, and the Farewell Banquet. First-time attendees are invited to attend the Newcomer's Meeting, and continuing education credits are available for ASHA or AAA.

Activities begin on Friday afternoon with a picnic along the Cooper River, which is near the hotel. A 50's Young at Heart Party on Saturday night and an Ice Cream Social on Sunday afternoon will add to the fun. Special events (ticketed) include a tour of Philadelphia on Friday (\$20 including transportation); a tour (\$5 for bus) of the Flying Fish Brewing Company, where demonstrations of beer brewing will be held; a captioned performance of the Tony-award winning musical *Passion* (\$45 including transportation, a cocktail reception, and a chance to meet cast members); and the Farewell Banquet with a Mummer's parade (\$40) on Monday evening. On Tuesday, after the convention, attendees can participate in a golf outing for all ages and skill levels (\$70 plus \$20 for rental clubs) or a trip to Atlantic City (\$25 for transportation) that offers a memorable day at the Boardwalk's casino hotels as well as opportunities for shopping and relaxing at the beach.

The Children's Workshop for hard of hearing children between the ages of 7-12 will be an all-day event on Saturday and includes a magic show. In addition, Philadelphia's famed Mummers are slated to parade through the Exhibit Hall with the children. The fee for the Children's Workshop is \$35 and includes a free Exhibit Hall pass and SHHH Family Membership. If your family (parent and child) is registered for the full convention and already has a SHHH Family Membership, there will be no charge for the Children's Workshop. If your family is registered for the full convention and does not have a Family Membership, you can upgrade for an additional fee of \$10, which will allow your child to attend the Children's Workshop without charge.

Early-bird full registration, if postmarked by May 11, is \$200 for SHHH members and \$225 for non-members; student members over age 17 can attend for only \$145 (student non-members pay \$170). Students must submit a copy of their photo ID and a letter from registrar stating the numbers of credit they are taking (minimum of 9 credits required). One-day registration before May 11 is \$115 for SHHH members and \$140 for non-members; the cost is \$80 for student SHHH members and \$105 for student non-members. After May 11, fees go up \$25 (\$10 for students). A one-day registration includes entrance to the Exhibit Hall, all workshops, and any special events scheduled for the day you choose to register. Charges for special events are not included in this price but are the same for all attendees. The cost to attend only the Research Symposium, which is scheduled for Monday morning is \$50.

Rooms at the Hilton (free parking) must be reserved by May 21 (early reservation is advised to ensure availability). To obtain the special rate of \$99 for single or double occupancy, call the hotel at 856-665-6666 and mention Self Help for Hard of Hearing People.

For more information about the convention, contact Self Help for Hard of Hearing People, Inc., 7910 Woodmont Avenue - Suite 1200, Bethesda, Maryland 20814 or 301-657-2248 Voice, 301-657-2249 TTY, 301-913-9413 Fax, or email National@shhh.org. Those with computer access can obtain a printable registration form at www.shhh.org by clicking on "Convention 2001" and "Early Bird Registration". ■



Visit our Website:

<http://www.state.ma.us/mcdhh>

Our Email:

MCDHH.Office@state.ma.us

Looking for Work? www.state.ma.us/mcdhh/opportunities.htm

Regulation and Legislative Update *Continued from page 3*

The Commission proposes to add new regulations at 112 CMR 6.00 relating to CRIMINAL OFFENDER RECORD CHECKS. The proposed regulations require Criminal Offender Record Information (CORI) checks for all employees, regular volunteers or trainees or other persons who provide client or support services in programs or facilities of the Commission, or in any vendor agency programs funded by the Commission.

The proposed regulations substitute the current guidelines previously issued by the Department of Health and Human Services for CORI checks. Comments on the proposed regulations will be accepted by the Commission until March 15, 2001.

Other legal news:

·On December 21, 2000, Governor Cellucci signed House Bill 5170 into law. The new law, entitled, Chapter 345 of the Acts of 2000, mandates that most health care plans, including HMO plans, must pay for the costs arising from speech, hearing and language disorders as long as those services are deemed medically necessary by a licensed speech-language pathologists or audiologists. The services can be provided in a hospital, clinic or private office in order to qualify for payment.

·The law becomes effective on March 31, 2001, in time to celebrate May as Better Hearing and Speech Month.

·The implication of this new law for people who are deaf or hard of hearing is far reaching. People who purchase hearing aids or assistive listening devices, for example, would have an opportunity to participate in hearing aid orientation programs such as instructions on speechreading and auditory classes and learn other communication therapies and coping strategies. The cost of these services will be covered by insurance as long as licensed speech-language pathologists or audiologists deem the services medically necessary.

U.S. Supreme Court decision:

In *Garrett v. University of Alabama*, the United States Supreme Court ruled that a state employee cannot sue her employer under the Americans with Disabilities Act in federal court because states are immune from lawsuits under the 11th Amendment of the U.S. Constitution. The 11th Amendment prevents private parties from seeking damages against states in federal court. States are still subject to injunctive relief from federal court to prohibit discrimination, but individuals cannot recover money damages. Parties can still sue the state in state court for discrimination under the ADA or under the Commonwealth's antidiscrimination laws.

Massachusetts Supreme Judicial Court (SJC):

The case of *Dahill v. Boston Police Department* was recently heard by the Massachusetts Supreme Judicial Court.

Richard Dahill is a severely hard of hearing individual who uses hearing aids. Mr. Dahill successfully completed and graduated from the Boston Police Academy. He was subsequently terminated from the Boston Police Department because the Department felt that his hearing loss would prevent him from working effectively as a police officer.

The SJC will decide whether Massachusetts courts interpreting Massachusetts' antidiscrimination law will follow the federal law in deciding whether the use of "corrective devices" such as hearing aids must be considered when defining the term "handicap" under the state law.

The question is important in light of the U.S. Supreme Court rulings in 1999 that said that people with disabilities whose disabilities can be corrected by using devices or medication are not legally "disabled" under the Americans with Disabilities Act. ■

Spring Issue

Address service requested

